

CITY OF FRANKLIN
BOARD OF ZONING AND BUILDING APPEALS
MINUTES
 August 2, 2006

I. ROLL CALL

Chairman Norm Hintz called the Special Meeting of the Board of Zoning & Building Appeals to order at 6:35 p.m. in the Lower Level Conference Room of Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Chairman Hintz and Members Nickerson, Knackert, Megna, and Adams. Member Olejniezak was excused. Also present was Senior Planner Booth and Planner II Mentkowski.

II. APPROVAL OF MINUTES

A. Minutes of Regular Meeting of April 19, 2006.

Member Nickerson moved and Member Megna seconded approval of the minutes of the regular meeting held April 2, 2006. Upon voice vote, all voted 'aye'. Motion carried.

III. HEARINGS (6:30 p.m. or soon thereafter)

A.	CASE NO. 2006-02 <i>11759 West St. Martins Road</i>	Roy & Janice Schultz 11759 West St. Martins Road Franklin, WI 53132
----	--	---

After certification of Notice, the Public Hearing was opened at 6:40 PM. Janice Schultz was sworn and gave testimony. No one else coming forward, the public hearing was closed at 6:55 PM.

B.	CASE NO. 2006-05 <i>10930 West Loomis Road</i>	Nancy Meinerz 4721 West Gunderson Road Waterford, WI 53130-2656
----	---	---

The Hearing was opened at 6:56 PM. Nancy Meinerz was sworn and gave testimony. No one else coming forward, the hearing was closed at 7:01 PM.

C.	CASE NO. 2006-06 <i>8792 West Callaway Court</i>	Billy & Crystal McCollum 10150 Plum Tree Circle #203 Hales Corners, WI 53130
----	---	--

The Hearing was opened at 7:04 PM. Billy McCollum was sworn and gave testimony. No one else coming forward, the hearing was closed at 7:21 PM.

D.	CASE NO. 2006-07 <i>7231 South Cambridge Drive</i>	Roger & Betty Buss 10520 West St. Martins Road Franklin, WI 53132
----	---	---

The Hearing was opened at 7:22 PM. Al Eckhart, Woodhaven Homes, was sworn and gave testimony on behalf of applicants. No one else coming forward, the hearing was closed at 7:31 PM.

IV. CLOSED SESSION The Board may enter in CLOSED SESSION pursuant to Section 19.85(1)(a), WI Statutes for deliberations.

Member Megna moved and Member Knackert seconded to move the Board into closed session at 7:31 PM, pursuant to Section 19.85(1)(a), WI Statutes for deliberations and then to reconvene into open session at the same place thereafter. Upon roll call vote, motion carried. Upon roll call in closed session, all members present at the beginning were present.

V. Reconvene into Open Session

Member Megna moved and Member Nickerson seconded to reconvene the Board into Open Session at 7:53 PM. Upon voice vote, all voted 'aye'. Motion carried. Upon roll call in open session, all members present at the beginning were present.

VI. Action of Appeals

A. CASE NO. 2006-02 / Roy & Janice Schultz, Variance

Member Nickerson moved and Member Adams seconded to allow construction of a fence in the corner side yard setback, pursuant to Section 15-3.0802(E)2(e) of the Unified Development Ordinance.

Upon roll call vote, those voting to approve the Variance were Chairman Hintz, Members Nickerson, Knackert, Megna and Adams. Therefore, by a vote of '5 to 0,' the Fence Variance was granted.

The Board had the following findings regarding Case No. 2006-02, finding that the Fence Variance should be allowed.

1. The change sought is in compliance with the intent of the zoning regulations for the district and does not hinder the surrounding residents.
2. The variance does not provide exceptional, extraordinary, or unusual circumstances to the uses surrounding the property by the animals intended to be at the location; and due to the irregular shape of the property.
3. The hardship is not self-created or imposed.
4. No economic gains will be found and the variance is not due to economic loss.
5. The variance is necessary for the full enjoyment of the property due to the irregular shape of the property and the large amount of right of way which hinders the full use of the property.
6. The variance will help preserve the neighborhood.
7. The board did not note any other factors in regards to granting of the variance.

B. CASE NO. 2006-05 / Nancy Meinerz Special Exception Request

Member Megna moved and Member Nickerson seconded to allow for a reduction of 8 feet from the required 40 foot front yard setback to a 32 foot setback from West Loomis Road, pursuant to Section 15-3.0303 of the Unified Development Ordinance, for the purpose of adding a porch.

Upon roll call vote, those voting to approve the special exception request were Chairman Hintz, Members Nickerson, Knackert, Megna, and Adams. Therefore, by a vote of '5 to 0,' the special exception was granted.

The Board had the following findings regarding Case No. 2006-05, finding that the approved special exception did meet the City standards.

1. The area exception would not be detrimental to and would not endanger the public health, safety, comfort or general welfare because this special exception would add to the general welfare, comfort and value of the neighborhood.
2. The area exception would not impair or diminish the use, value and enjoyment of other property because no negative impact will occur to adjacent properties.
3. The special exception will not impede the normal and orderly development and improvement of surrounding property because the addition will not exceed already existing non-conforming setbacks.
4. The board noted no instances where the special exception would impair the adequate supply of light and air to the adjacent property, substantially increase the congestion in the public streets, or increase the danger of fire within the neighborhood.
5. The special exception is in harmony with the general purpose and intent of the Unified Development Ordinance as the use is allowed in the B-3 Community Business District and the addition will not increase the non-conformity.

C. CASE NO. 2006-06 / Billy & Crystal McCollum Special Exception Request
Member Knackert moved and Member Nickerson seconded to allow for an increase in the 15% maximum lot coverage by 418 square feet from 3,782 square feet to 4,200 square feet, pursuant to Section 15-3.0204 of the Unified Development Ordinance, for the purpose of constructing a house.

Upon roll call vote, those voting to approve the special exception request were Chairman Hintz, Members Nickerson, Knackert, Megna, and Adams. Therefore, by a vote of '5 to 0,' the special exception was granted.

The Board had the following findings regarding Case No. 2006-06, finding that the approved special exception did meet the City standards.

1. The area exception would not be detrimental to and would not endanger the public health, safety, comfort and general welfare because the home will still meet all of the required setbacks.
2. The area exception would not impair or diminish the use, value and enjoyment of other property because neighboring houses are similar in size.
3. The special exception will not impede the normal and orderly development and improvement of surrounding property as the uses are all single-family which will not have a negative impact.
4. The special exception will not result in an impairment of light and/or air supply, increase in traffic or increase in fire threat within the neighborhood because all required setbacks are being met so this will not be a negative impact to the neighbors.
5. The special exception is in harmony with the general purpose and intent of the Unified Development Ordinance because the same uses are within the neighborhood and this use meets the intent of the Unified Development Ordinance.

D. CASE NO. 2006-07 / Roger & Betty Buss Special Exception Request
Member Adams moved and Member Megna seconded to allow for an increase in the 15% maximum lot coverage by 508 square feet from 4,116 square feet to 4,624 square feet, pursuant to Section 15-3.0204 of the Unified Development Ordinance, for the purpose of constructing a house.

Upon roll call vote, those voting to approve the special exception request were Chairman Hintz, Members Nickerson, Knackert, Megna, and Adams. Therefore, by a vote of '5 to 0,' the special exception was granted.

The Board had the following findings regarding Case No. 2006-07, finding that the approved special exception did meet the City standards.

1. The area exception would not be detrimental to and would not endanger the public health, safety, comfort and general welfare because the home will still meet all of the required setbacks.
2. The area exception would not impair or diminish the use, value and enjoyment of other property because neighboring houses are similar in size.
3. The special exception will not impede the normal and orderly development and improvement of surrounding property as the uses are all single-family which will not have a negative impact.
4. The special exception will not result in an impairment of light and/or air supply, increase in traffic or increase in fire threat within the neighborhood because all required setbacks are being met so this will not be a negative impact to the neighbors.
5. The special exception is in harmony with the general purpose and intent of the Unified Development Ordinance because the same uses surround the property and this use meets the intent of the Unified Development Ordinance.

VII. ANNOUNCEMENT

No Action taken.

VIII. ADJOURNMENT

Member Nickerson moved and Member Megna seconded to adjourn the special meeting of the Board of Zoning and Building Appeals at 8:06 PM. Upon voice vote, all voted 'aye'. Motion carried.